

March 6, 2017

**VIA Hand Delivery**

Honorable Nancy Hershey Lord  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Eastern District of New York  
271-C Cadman Plaza East  
Brooklyn, New York 11201

Re: **Jacob Fetman (the "Debtor")**  
**Chapter 7, Case No. 15-43716-NHL**

RECEIVED  
2017 MAR - 6 A 10:43  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

Dear Judge Lord,

I am writing to you as a very unusual set of circumstances which have nothing to do with my case prevents my attorney, Mr. David Carlebach, to continue and be an effective counsel. I have not had any discussion with him regarding my case in many months and Mr. Ira Abel, who appeared before you these past months as of-counsel to Mr. Carlebach, shared with me that he has not seen Mr. Carlebach in some time and is communicating with him only intermittently, and only by email.

Emails and phone messages to Mr. Carlebach are bouncing back and not being responded to. Furthermore, it is my understanding that the office in which I met and retained Mr. Carlebach was taken over by the Sheriff or Marshall and reverted back to the landlord. Many of the original documents which were given to Mr. Carlebach during my court case are now lost and I am left with no representation at this very critical juncture of my case.

I would like to make certain corrections to the impression that Aish and the trustee generated over this court case. Once a part of the misguided "decision" by Rabbi Cohen was confirmed, we immediately took an appeal. In fact, my appeal brief and the complete printing of the record, at a total cost of over \$40,000, was submitted to the appellate division prior to the bankruptcy court filing. Ever since, Aish and to a certain extent the Trustee, has been using every academic excuse to not allow the case in the appellate court to proceed. Aish and the Trustee have created an extremely complex set of legal hoops – indexes that are appealable and others that, while meaningless and not important, must now be removed from the record. The end result being a decision by the appellate court I just received on Friday March 3<sup>rd</sup> (A) stating that while they grant our motion to sever certain indexes, a new filing of our brief and complete record is required. After months of haggling in Your Honor's court, Aish won this war of attrition – they have not filed a brief to an appeal that was filed in early August 2015 – a Judgment that Your Honor was extremely skeptical with at the very first hearing we had in this case. The \$20 million decision by Rabbi Cohen that was confirmed by Judge Demarest without looking into any of the merits of the claim, a Judgment that is so bizarre and indefensible that we believe the Appellate division will

Honorable Nancy Hershey Lord

Page 2

vacate it – not only because the arbitration violated public policy because of the “No Sunday Arbitration rule”, but also because of the numerous physical and psychological intimidation techniques, and virulent and bold faced collusion between Aish and Rabbi Cohen throughout this “arbitration.” That collusion is still ongoing. For example, immediately after the appellate court decision in Mr. Behar's case (Mr. Behar appeared in your honor's court room and explained in detail that this case is similar to his original case in which the appellate division ruled that the award is “reversed on the law, the petition to confirm the arbitration is denied, the arbitration award is vacated and the proceeding is dismissed” **(B)**) - Once that decision became public in late June 2016, that decision which states that an arbitration conducted on a Sunday is VOID –, Aish, being very nervous that their case is about to collapse, rustled Rabbi Cohen from his summer vacation at Camp Munk upstate New York and had him issue a stern warning to me via a letter to “settle the case immediately – or else...” - **(C)**.

At the most recent court hearing Your Honor held, at the point where Mr. Behar presented his assertion that the Appellate division already RULED in his case, which is similar to our case that the arbitration was void because of the Sunday issue, Your Honor made at numerous times the comment that Your Honor would not want to make a decision that in effect lends any credibility to one side or another, and therefore took the issue under 'submitted'. Respectfully, Your Honor NOT making a decision to allow me to go back to the Supreme Court to re-argue my case based on the Sunday Rule, is in itself a decision that the Sunday rule alone is not enough to vacate this judgment – otherwise we are all wasting much time and expending large sums of money for a decision that can be made by the Supreme Court vs. waiting for months and perhaps years for the appeals court decision while the Trustee keeps the pressure to sell disputed properties even when everyone realizes that Aish “claim,” which was never validated for merit, will be vacated.

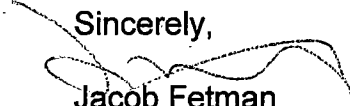
Aish is hiding behind the vale of Jewish Law – claiming the “arbitration” was conducted in the proper way that Jewish Law provides for such arbitration. There is a reason why Torah Law requires three arbitrators, there is a reason why Torah Law prohibits communication between parties and an arbitrator done secretly without the consent of the other party. There is a reason why intimidating parties by threats and innuendos are prohibited by Torah law. In fact, when the leading Jewish Halachic Arbitrator of our generation, the late Rabbi Belsky, head of the OU, thru his honorable Beit Din issued a proclamation against Aish for not agreeing to come to explain their case, he used very strong words - “It is not to be believed that people who lead such an organization (eg – Aish) do not pay attention to the Torah law” **(D)**.

I have been bombarded by emails from the Auctioneer and the Trustee intimidating and threatening me to provide documents, some of which I don't have any more because they were given to Mr. Carlebach (and in large part produced to the Trustee). Furthermore, my father, who is in control of the Tenth Ave. houses had to fly to Israel in an emergency, to look after his ailing 93 years old Holocaust survivor mother, my grandmother. He is not here to provide any documents that he may maintain.

Honorable Nancy Hershey Lord  
Page 3

I respectfully request a stay so that I am able to retain another attorney to replace Mr. Carlebach, who will assess the situation, evaluate our documents and continue and allow me to be represented.

Sincerely,



Jacob Fetman

Cc (by email)

Bruce Weiner, Esq.  
David Carlebach, Esq.  
Mark Frankel, Esq.  
Jon Lefkowitz, Esq.  
Andrew Citron, Esq.  
Greg Messer, Esq.

**Supreme Court of the State of New York  
Appellate Division: Second Judicial Department**

M226192  
U/sl

MARK C. DILLON, J.P.  
SHERI S. ROMAN  
SYLVIA O. HINDS-RADIX  
COLLEEN D. DUFFY, JJ.

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2014-10945, 2015-00047, 2015-00049,  
2015-04167, 2015-06914, 2015-06916,  
2015-06917, 2015-07374

**DECISION & ORDER ON MOTION**

In the Matter of Aish Hatorah New York, Inc.,  
petitioner-respondent, v Jacob Fetman, etc.,  
respondent-appellant; Merkaz Center, Inc.,  
nonparty-appellant.

(Index No. 22057/13)

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Motion by the respondent-appellant on appeals from seven orders of the Supreme Court, Kings County, dated April 30, 2014, September 29, 2014, December 17, 2014, March 5, 2015, April 23, 2015, July 6, 2015, and August 6, 2015, respectively, and a judgment of the same court dated October 7, 2014, in effect, to sever the appeals from the orders dated September 29, 2014, December 17, 2014, and July 6, 2015, and the judgment, from the remaining appeals, and to direct the petitioner-respondent to expeditiously serve and file a brief in connection with those appeals. Separate motion by the petitioner-respondent to strike stated portions of the joint record and the respondent-appellant's brief.

Upon the papers filed in support of the respondent-appellant's motion and the papers filed in relation thereto, and upon the papers filed in support of the petitioner-respondent's motion and the papers filed in opposition thereto, it is

ORDERED that the respondent-appellant's motion is granted, the appeals from the orders dated September 29, 2014, December 17, 2014, and July 6, 2015, and the judgment are severed from the appeals from the orders dated April 30, 2014, March 5, 2015, April 23, 2015, and August 6, 2015, the joint record, the respondent-appellant's brief, and the nonparty-appellant's brief are stricken, and on or before March 29, 2017, the appellants shall serve and file a joint record and their respective replacement briefs on the appeals from the orders dated September 29, 2014,

December 17, 2014, and July 6, 2015, and the judgment (Appellate Division Docket Nos. 2014-10945, 2015-06914, 2015-06917, and 2015-00049); and it is further,

ORDERED that the petitioner-respondent's motion is denied as academic.

DILLON, J.P., ROMAN, HINDS-RADIX and DUFFY, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Aprilanne Agostino  
Clerk of the Court

No Shepard's Signal™

As of: December 22, 2016 10:07 PM EST

**Matter of Leifer v Gross**

Supreme Court of New York, Appellate Division, Second Department

June 15, 2016, Decided

2014-07617, 2014-10809

**Reporter**

140 A.D.3d 959 \*; 32 N.Y.S.3d 514 \*\*; 2016 N.Y. App. Div. LEXIS 4557 \*\*\*; 2016 NY Slip Op 04715 \*\*\*\*

[\*\*\*\*1] In the Matter of Baruch Pinchus Leifer, also known as Baruch Leifer, et al., respondents, v Yechiel Mechel Gross, also known as George Gross, appellant. (Index No. 12143/13)

dated June 16, 2014, which granted the petition to confirm the arbitration award, and (2) an order of the same court dated September 19, 2014, which denied his motion for leave to reargue his opposition to the petition to confirm the arbitration award.

**Notice:** THE LEXIS PAGINATION OF THIS DOCUMENT IS SUBJECT TO CHANGE PENDING RELEASE OF THE FINAL PUBLISHED VERSION.

THIS OPINION IS UNCORRECTED AND SUBJECT TO REVISION BEFORE PUBLICATION IN THE OFFICIAL REPORTS.

ORDERED that the appeal from the order dated September 19, 2014, is dismissed, as no appeal lies from an order denying reargument; and it is further,

ORDERED that the order dated June 16, 2014, is reversed, on the law, the petition to confirm the arbitration award is denied, the arbitration award is vacated, and the proceeding is dismissed; and it is further,

ORDERED that one bill of costs is awarded to the appellant.

**Core Terms**

arbitration award, petition to confirm, vacated

**Counsel:** [\*\*\*1] Leon I. Behar, P.C., New York, NY, for appellant.

**Judges:** CHERYL E. CHAMBERS, J.P., L. PRISCILLA HALL, LEONARD B. AUSTIN, HECTOR D. LASALLE, JJ. CHAMBERS, J.P., HALL, AUSTIN and LASALLE, JJ., concur.

Since the arbitration hearing was conducted on a Sunday in violation of Judiciary Law § 5, which "expresses the public [\*\*515] policy of the State, [\*\*\*2] and cannot be waived," the arbitration award is illegal and void (Matter of Brody v Owen, 259 App Div 720, 721, 18 N.Y.S.2d 28). Accordingly, the award is vacated and the proceeding is dismissed.

**Opinion**

[\*959] [\*\*514] DECISION & ORDER

In a proceeding pursuant to CPLR article 75 to confirm an arbitration award dated July 5, 2012, Yechiel Mechel Gross, also known as George Gross, appeals from (1) an order of the Supreme Court, Kings County (Ash, J.),

In light of our determination, it is unnecessary to reach the appellant's remaining contentions.

CHAMBERS, J.P., HALL, AUSTIN and LASALLE, JJ., concur.

JOSEPH ZELMANOVITZ

140 A.D.3d 959, \*959; 32 N.Y.S.3d 514, \*\*515; 2016 N.Y. App. Div. LEXIS 4557, \*\*\*2; 2016 NY Slip Op 04715,  
\*\*\*\*1

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End of Document

301

10 Jacob Petman  
1743 Ocean ave  
11230

July 6, 16

It is customary to warn someone before  
a siruv is written.

This communication is for the above  
purpose. You have two weeks to comply to settle  
with Aish Hatorah.

10/07 313



D Cohen  
Camp Munt  
POB 218  
Farndale ny  
12734

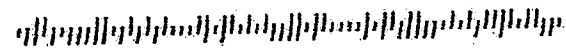
TRENTON NJ 085

07 JUL 2016 PM 3 L



Jacob Fetman  
1743 Ocean ave  
Brooklyn ny  
11230

11230-540243



# RABBI YISROEL BELSKY'S BAIS DIN ISSUES

# SIRUV

Relating the controversies between the plaintiffs and the defendants  
Yitzchok Greenman, David Markowitz on behalf of the  
organization Aish HaTorah

To whom it may concern,  
This Bais Din sent three summonses to these defendants at the request of the  
above plaintiff and with these summonses was included a warning to remove  
from the secular court the lawsuit that they filed there with no justification or  
permission. Until this day, to our regret, the defendants did not come to  
Bais Din, and continued with the foregoing law suit and thus transgressed  
everything that is written in Choshen Mishpat 26:1

They completely ignored everything and did not  
move or budge not withstanding all the summonses.  
It is not to be believed that people who lead such an  
organization do not pay attention to the Torah law.  
In the opinion of the Bais Din they are in contempt  
of Torah law as explained in Shulchan Aruch  
Choshen Mishpat 11, and everything that is  
written in Shulchan Aruch Yoreh De'Ah 334  
applies to them as well and **anybody that can  
influence them to repent from their  
evil ways and come to Din Torah  
should do so and it will be a Mitzvah.**

Signed

Rabbi Chaim Yisroel Halevi Belsky, Dayan  
Rabbi Yaakov Liberman, Dayan  
Rabbi Avrohom Yosef Roth, Dayan

Mailing Address:  
Badatz Btzedek Tishpoit  
239 Foster Avenue  
Brooklyn, NY 11230



בנשיאות הרה"ג ח"י הלוי בעלסקי שליט"א  
מלפנים בד"צ ע"י כולל אברכים והישיבה

1. Aish hatorah NY inc.  
C/O Kenneth Greenman  
313 West 83<sup>rd</sup> St.  
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Home address:  
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Phone 2129219090  
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2. David Markowitz CO  
Aish Hatorah NY  
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Passaic, NJ 07012  
dmarkowitz@aish.com

בד"ר שבין התובע הרב משה חיים פעטמאן לבין הנתבעים יצחק גרינמאן ודוד  
מארקאוויטש

לכל מאן דבעי למידע:

הבי"ד שלח שלש הזמנות להתבעים הנ"ל ועד היום לא באו לבי"ד, גם שלחנו מכתב  
להעורר דין שלהם להודיע להם שחייבים לבוא לבי"ד להתדיין עם התובע הנ"ל, אבל  
לדאבוננו עדיין לא באו לבי"ד, והתירוצים מתירוצים שונים, אבל כל אלו הם רק תירוצים  
ואין להם שום תוקף, ולדעת הבי"ד הנתבעים הנ"ל הם בגדר מסרבים לדין תורה, וכל מה  
שכתוב בשו"ע יו"ד סי' של"ד שייכים גם להם, וכל מי שיכול להשפיע עליהם לשוב מדרכם  
הרעה ולבוא לדי"ת יעשה כן ולמצוה יחשב.

וע"ז בעה"ח ביום ח' — לחודש תמוז — תשע"ה לפ"ק

נאום חיים ישראלי בעלסקי ז"ל  
נאום אברהם יוסף כהנא ז"ל  
נאום א"ר קי"ר ז"ל



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ד"ר שבין התובע שמחיל לפעקאוויטש לבין הנתבעים יצחק גרינמאן ודוד מארקאוויטש  
א"כ מוסר אש תורה  
לכל מאן דבעי למידע:

הבי"ד שלח שלש הזמנות להתבעים הנ"ל בבקשת התובע הנ"ל, ועם ההזמנות ה"ל נכלל  
גם התראה להוציא מן העשי"ג את התביעות שהכניסו לשם בלי שום היתר או רשות, ועד  
היום לדאבוננו לא באו הנתבעים לבי"ד, והמשיכים עם התביעות הנ"ל וזוה עוברים כל מה  
שכתוב בחז"ל סי' כ"ו סעי' א' ע"ש.  
ומפני העלימו עין מכל וכל ולא קמו ולא זעזע מכל ההזמנות, ולא יאונן כי יוספר שאנשים  
המתלהלים למוסר כזה אינם צייתים לדין תורה, ולדעת הבי"ד הם בגדר מסרבים לדין תורה  
כמבואר ע"פ שו"ע חז"ל סי' י"א, וכל מה שכתוב בשו"ע יו"ד סי' של"ד שייכים גם להם,  
וכל מי שיכול להשפיע עליהם לשוב מדרכם הרעה ולבוא לדי"ת יעשה כן ולמצוה יחשב.

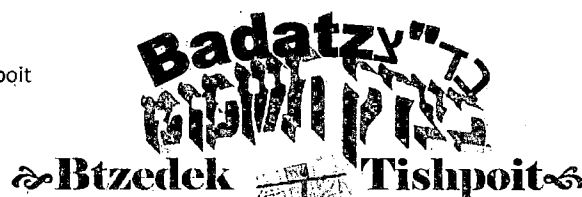
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בס"ד

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נאום ח"י שרעל ראש העליון בעלסקי צ"ן

נאום אברהם נטל כנסת צ"ן

נאום א"ש קי"ש ראש צ"ן



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בא"כ מוסד אש התורה

לכל מאן דבעי למידע:

הבי"ד שלח שלש הזמנות להנתבעים הנ"ל בבקשת התובע הנ"ל, ועם ההזמנות הי' נכלל גם התראה להוציא מן העש"ג את התביעות שהכניסו לשם בלי שום היתר או רשות, ועד היום לדאבוננו לא באו הנתבעים לבג"ד, והמשיכו עם התביעות הנ"ל ובזה עוברים כל מה שכתוב בחו"מ סי' כ"ו סעי' א' ע"ש.

וממש העלימו עין מכל וכל ולא קמו ולא זעו מכל ההזמנות, ולא יאומן כי יסופר שאנשים המנהלים למוסד כזה אינם צייתים לדין תורה, ולדעת הבי"ד הם בגדר מסרבים לדין תורה כמבואר ע"פ שו"ע חו"מ סי' י"א, וכל מה שכתוב בשו"ע יו"ד סי' של"ד שייכים גם להם, וכל מי שיכול להשפיע עליהם לשוב מדרכם הרעה ולבוא לדי"ת יעשה כן ולמצוה יחשב.

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נאום חיים ישראל פלס ראש ה"פ  
נאום אברהם יוסף ראטה ראש ה"פ  
נאום אברהם יוסף ראטה ראש ה"פ



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